

27 JUL 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Current Status and Potential Procedural Constraints,
Community Headquarters Building

1. Implementation of Executive Order 11905 necessitated acquisition of a building to accommodate the Committee on Foreign Intelligence (CFI) and the expanded Intelligence Community Staff (ICS). It was determined that, to fully meet the intent of Executive Order 11905 and the Senate and House Committees' observations on restructuring the Intelligence Community, it was necessary to house the CFI and the ICS in facilities separate from CIA. In view of the sense of urgency of this undertaking, the nucleus of the ICS, which is presently located in limited space within the CIA's Langley Headquarters Building, and the CFI are being relocated to independent and external facilities to meet the needs of expanded functions.

2. GSA was requested to identify acceptable space in Washington, D.C., conveniently accessible to the Intelligence Community.

In furtherance of this effort, negotiated procurements of necessary long leadtime equipment have been effected.

3. Proposed building modifications include extensive personnel security accommodations, the installation of classified communications and electronic data distribution systems, a sensitive crisis warning center, physical security installations, substantial but necessary internal demolition, and office configurations commensurate with the needs of the proposed occupants. Estimates indicated that costs would exceed \$500,000 for the modifications--a factor that introduced the prospect of bureaucratic delays because of provisions in GSA's legislation. The Public Buildings Act of

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1959, as amended, requires the preparation of a project prospectus and the approval by resolution of the Committee on Public Works of the House and the Senate for expenditures in excess of \$500,000 for any alteration to a public building. GSA has advised that preparation of a prospectus and securing of such approvals normally require 14 - 18 months.

4. It was expected that the [] Building would be exempted from the prospectus provisions of the Public Buildings Act based upon an Agency letter to GSA citing the special-purpose nature of the building--an exemption cited in the act and discussed in its legislative history. These expectations were enhanced by the knowledge that the House Appropriations Committee actively supported expeditious relocation in this instance (see HR 14262). The building design has been completed, proposals have been received, contract award is anticipated by 2 August, notice to proceed is scheduled for 6 August, with construction completion in 150 days after notice to proceed. GSA has, however, recently determined that the facility is a public building as defined in the Public Buildings Act of 1959, as amended, rather than a special-purpose building as in the Agency letter. In the absence of other exemptions, this determination by GSA would, therefore, require the preparation of a project prospectus, the securing of necessary congressional committee approvals, and the attendant delays thereof. However, GSA also advises that the President may exclude from the definition of public buildings any such building or construction project which he may deem to be justified and, accordingly, waive the prospectus and congressional committee approval requirements. The authority of the President in these respects is expressly recognized by Section 13(1)(I) of the Public Buildings Act of 1959 (40 USC 612) which provides that "the term 'public building' means any building . . . which is generally suitable for office . . . space; . . . but shall not include any such building or construction projects: (I) the exclusion of which the President may deem from time to time hereafter to be justified in the public interest."

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5. In accordance with CIA's interpretation of the President's sense of urgency in implementing Executive Order 11905, it is considered that the time delay incident

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to submitting a prospectus for this facility is unacceptable. Accordingly, it is considered necessary to request the President to exclude the Selective Service Building from those provisions of the Public Buildings Act of 1959, as amended.

/s/John F. Blake

John F. Blake
Deputy Director
for
Administration